THE LOST JURISDICTION. Prize Story.

The Black Cat

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The Black Cat

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The Lost Jurisdiction.*

BY ELLIS MEREDITH.

THE proprietor of the barnlike, ramshackle hotel looked uneasily across the dining room. It had but two occupants beside himself. One was a small, badly dressed woman. She was of middle age, but her shoulders seemed bent with some great burden of grief rather than the weight of years. Her eyes were dull and sunken as if from many tears. She was eating her breakfast perfunctorily, and reading some well-worn papers as she did so. The other lady had just entered the room, and was walking toward the table at which the little woman was seated. She was tall, and the pallor of her classic face, as well as her perfectly fitting gown, indicated that she was a newcomer in that wind-swept Western country. She had been ordered to "rough it" for a time, and was a comparatively new acquisition in this desolate border town. She was somewhat imperious in her demands, and she tipped the waiter and the chambermaid in a matter-of-fact way, to their undisguised amazement. Josiah Barnes looked on her as a godsend, a windfall, an oasis in the great American desert, that all for which his thrifty soul did

*This is one of the two stories that received the 5th prize of $250 in THE BLACK CAT prize competition which closed March 31, 1898.

pine, a green isle in the sea, a fountain and a shrine, and various other desirable things.

Therefore the soul of the worthy Josiah was troubled when he saw her cross the dreary room and sit down within a yard or so of the other woman. He hesitated a moment only; duty was plain and fifteen dollars a week not to be jeopardized. He shuffled across the room and, leaning somewhat heavily on the back of Miss Vallery's chair, whispered in a wheezing and entirely audible voice: —

"P'raps ye'd ruther hev yer breakfast brung to the other table?"

"Why?" asked Miss Vallery languidly. The constantly displayed interest in her welfare was rather a bore.

"Well, — ye see, Miss, that's the mother of the murderer!" He made a poor attempt to lower his voice, but the small woman heard him, and the flush that mounted to the roots of her faded, nondescript hair was painful to see. She half rose, her eyes filled, and her tightly compressed lips twitched. Jean Vallery saw all this without looking up. She settled herself a little more comfortably, and said in a matter-of-fact way, as if answering a question, "Thank you, Mr. Barnes; I should like to have my mail, if you don't mind sending for it."

With the air of having done his duty Mr. Barnes shuffled away, leaving Jean to her fried steak and reflections. First and last, she had heard a good deal about the murderer, Tom Rhoads, who seemed to surpass all the villains of history, according to the editorials in *The Clarion*, and the talk of the townspeople. The murder had been committed early in the summer, and it was now September, but the good people of that vicinity had not yet done talking of it. The trial was to come off within the next two weeks.

When Mr. Barnes returned with the mail he brought also a letter for Mrs. Rhoads; he returned to his post by the door rather slowly, watching to see the effect of this communication on his undesirable patron. The envelope bore the name of a law firm in one of the eastern towns of the State, and Mrs. Rhoads's face turned a ghastly gray as she opened it. The letter fell from her hands, and she hid her face in them for a moment.

Jean, who was watching her, rose hastily. "I fear you have had bad news, Mrs. Rhoads?" she said.

The older woman looked at her vacantly. No one had spoken kindly to her for two months. No one had spoken to her at all when it could be avoided. Something in Jean's eyes melted the icy reserve she had been cultivating all those dreary weeks. She picked up the letter and handed it to her. The gentlemen to whom she had applied declined positively, and in quite an unnecessarily curt manner, to have anything to do with the case.

"They was my last chance," said Mrs. Rhoads, the tears flowing freely down her weatherbeaten face. Several persons were watching the two women from the doorway, and commenting curiously on them.

"Come," said Jean. "Come right up to my room, and we can talk there." She put her arm about the other woman's shoulders and led her away, past Mr. Barnes, and up the narrow stairs.

"There!" he said discontentedly. "Miss Vallery didn't half eat her breakfas'. I hadn't never ought to a took that Rhoads woman in."

Jean seated her guest in the best chair her room afforded, and said gently, "Now tell me all about it."

"You heard what he called me?" said Mrs. Rhoads fearfully.

"Oh, yes," said Jean lightly. "Never mind that. Tell me about your trouble, and what you meant by saying those men were your last chance."

"I don't like for to trouble you, Miss. Seems 's if the Lord forgot His servants sometimes. I've done all I know how, and if there is such a thing as prayin' without ceasing, I've done it the last two months. An' now my boy's like to be hung without no one to say a word for him. You see, I went first to the few men we've known here, that might a been willing to help; Squire Horney said he was too old, and Joe Brown, he said he didn't feel like he'd had experience enough to take such a case; then I went to a man named Shaw an' a lot more, but they all of 'em wanted more money than I could raise, or had been hired by the other side. I tried to get a morgidge, but that's slow work, so then I got desprite an' I

offered the hull place to these men if they'd defend him. I don't know nobody else to go to. It ain't a murder, Miss. I know it's against scripture for to take life, but a man's got to look after his own. If my Tom *is* a murderer, them other men ain't no better, besides being thieves. But 'pears like it's all one way here, an' a poor man can't get justice, leastways when he's got into trouble with them that's got the money."

"How did he come to do it?" asked Jean. The incoherent story touched her. It was quite different from that told by *The Clarion*.

"He was drove to it, that's how! an' him as peaceable a boy as you ever seen. We've had hard times, him an' me, but this is the hardest."

"Tell me," said Jean. "Begin at the very beginning."

"Mr. Rhoads an' me come West when the children was little," she began. "We went to Californy; my little boy's buried there. We didn't have no luck, and we come back to Utah, but it was too lonesome, an' too far from anybody to do anything for you. My little girl died of diptheria, and no doctor within fifty mile. Then we went to Colorado, an' the hoppers eat us out three seasons runnin'. Mr. Rhoads was always kind a peaked, and he couldn't stand adversity. He took the mountain fever an' died there. There was only Tom an' me left. Tom, he farmed, an' I helped him part of the time, and part of the time I went out canvassin'."

"Canvassing?" repeated Jean vaguely.

"Yes, Miss; I was an agent, you know. Sometimes it was for books, and sometimes it was for wringers. I mostly found the wringers paid best. Then I had a self-wringin' mop that I did reel well with. I've been pretty nigh all over this country west of the Mizzoury. When the crops had been good I'd get a good many orders, but crops is most generally bad. Or if the crops isn't bad the prices is. It comes to the same thing."

"But how did you come to move here?" asked Jean.

"Oh, yes; I forgot to tell you there was a mortgidge. There is most generally, an' Tom an' me didn't seem able to raise it nohow. When we found we was goin' to lose the place we up an' sold for a little more'n the mortgidge, and then we come here."

"Was that long ago?" asked Jean.

"Only a matter of two year. You don't get much acquainted in that time when your neighbors is fifteen or twenty mile away. Still, we had been doin' right well. The range was good, an' Tom had a nice little bunch of cattle; the ranch lays close to water, an' Tom's corn was mighty fine. He allowed he'd have as much as sixty bushel to the acre this fall. Of course it was lonesome, but there's always something, an' lonesomeness ain't nigh so tryin' as a mortgidge. Everything was goin' all right enough till the rustlers come."

"What's a rustler?" asked Jean curiously.

"A rustler?" Mrs. Rhoads looked up in surprise, that any one should be ignorant of the nature of a creature so well known to the ranchmen of the Western States. "Why, a rustler's a man that's hired by the big cattlemen, men that's got thousands of head of cattle, for to keep settlers off the range. You see when the country gets settled up it takes away their pasture. Sometimes they keep 'em off one way, an' sometimes another. Sometimes they bring in a big herd of steers an' eat up all the grass, an' sometimes, an' not infrequent either, they round up all the little bunches of cattle an' drive 'em off. Then, again, they'll throw things into the wells, an' cut the fences. Oh, they can think of all kind of meanness. I s'pose I hadn't ought for to blame them for doing what they're hired to, but when I think of the men that hires 'em, it dooes seem like the wicked spread like green bay trees for an awful long time without bein' cut down."

"How did they molest your son?" asked Jean.

"Every way. They began by grazing round us till there wasn't no grass left for Tom's cattle, to speak of. Then they left a warning on the door; it was stuck on with a knife." She fumbled in her pocket and drew forth a shabby purse, so worn and flat it made Jean's heart ache. She took from it a scrap of paper containing these words, printed in irregular characters: —

No Kattl Theves wanted. This Rang is OUrn.
Move awn an save TrubBle.

"They left this one night last June. That's one way they

have; when they want to get rid of a man they accuse him of stealin' their cattle. Well, we couldn't move. Tom hadn't proved up, an' we hadn't nowhere to go. I didn't believe they'd do anything worse than they had done. I've always been a believer, an' it seemed to me like there was a God in Israel. Tom, he said that wouldn't do us no good s' long as there wasn't no law for poor folks in this State. Then one night they come an' cut the fences, an' the end of that week they come up with the herd. The steers eat or trampled every blade of corn. In the morning, — they brought the herd up at night,— in the morning two of 'em come up toward the house. One man begun throwin' things into the well. I was mightily afraid Tom would shoot, for it's hard to be angry an' sin not, so I leaned out of the window an' called to 'em to quit or they'd git into trouble. The man used an ugly cuss word at me, an' before I knew what he was up to, Tom fired. I ran right out when I seen the man fall, but he was dead. The other man seemed kind of decent; he didn't say nothing till I began to cry, thinking of Tom, then he spoke quick like; 'Stow that,' he says; 'you hain't got time for no waterworks now. The crowd'll be tendin' to a lynchin' mighty soon, 'less he can get off.' Just then I seen two of the rustlers comin' toward us. They'd heard the shot. 'For the love of heaven,' I says, 'an' the mother that's prayin' for you somewhere, take our horse and ride fer Lone Tree an' get word to the sheriff. You can keep the horse, but help me save my boy an' I'll bless' — but he interrupted me. 'There,' he says, 'cut an' run 'fore they git here. Where's the horse?' Seems like it takes a long time to tell it, but it didn't take but a mighty few minutes to live it all. Tom had been kind a stunned like when he seen what he'd done, or he'd never a let me go out. When I run back in he was trying to fasten the doors and barricade the windows somehow. We fastened 'em as good as we could, an' he stood at one of 'em with the rifle, and I was at the window in the leanto — there wasn't but one room and the shed kitchen — with the shotgun. I couldn't never a had the courage to fire, but Tom, he said they wouldn't be so likely to come close if they seen the gun stickin' out.

"They didn't do nothing for awhile but ride round the house to make sure we couldn't get away, excepting they took off the

body of the man that was killed. Tom said they was waiting to rest their horses, because when they got through with him they'd want to hit the trail right lively. There was a little cottonwood down in the arroya back of the house; they took a rope an' went down there. Seems like they didn't notice the other man being gone. Then they lay down an' rested a spell, two of them keepin' watch. About the middle of the afternoon they took the wagon-bed off the wheels an' hid behind it, an' come up close to the house an' called to Tom to come out. He just shoved the rifle a little further through the window. Then they began shooting in at the windows and swearing just awful." She wrung her gaunt, knotted brown hands at the memory, but displayed no emotion otherwise.

"I should have thought," said Jean, "they would have tried to set fire to the cabin."

"They would have gladly, Miss," answered Mrs. Rhoads with unconscious irony, "but you see it's a sod house. Well, all afternoon they kept that up. One of them nearly shot me, firing through the window that way, an' then Tom shot him through the right arm. He could have killed him easy, but Tom ain't no murderer. Toward dusk they rigged up the wagon tongue for a kind of battering ram. I thought I heard a call somewhere off on the range, but Tom thought I was mistaken. They were just making a rush at the door, when I heard it again, and a couple of quick shots. That stopped 'em. It was the sheriff. If he'd a been ten minutes later it wouldn't a been any use."

"What became of the man you gave the horse to?" asked Jean, who had not struggled over a thesis on "Evidence" for nothing.

"I wish I knew," sighed Mrs. Rhoads. "You don't know how I feel to that man. He wasn't just like what you'd expect a ministering angel to be, but that's what he was to me. I hain't never seen him since. Most always seems like, when I can't bear it no longer, the Lord raises up somebody to restore my soul, just like He did then. But oh, Miss, the trial comes off in ten days, an' there ain't nobody'll defend him!"

"You don't mean to say they call that murder out here?" demanded Jean incredulously.

"Yes, Miss," said the little woman patiently. "There's some of the settlers might feel like Tom didn't do wrong, but they don't dare say anything, an' all the other folks are against us. *The Clarion* says it was 'A cold-blooded and atrocious murder, committed without provocation or any action which could justify it.' The paper over to Lexington said, 'The entire State should demand the execution of this man who has thus attacked the peaceful guardians of one of our main industries.' I went clear to Aberdeen to get a lawyer for Tom, an' the papers there said dreadful unkind things about me, — of course I know I'm poor an' homely an' old, — an' then it said it spoke well for the moril sense of the legal fraternity that I hadn't been able to get any one to look after my case." She had evidently gotten the cruel words by heart.

"And there is absolutely no one?" Jean asked. "You know the court will have to appoint some one to defend him." She was hesitating in her own mind over a plan. Its audacity fairly took her breath. She had been sent West to take a much-needed rest after the study and overwork incident to her admission to the bar in her own State. Although she had not intended doing anything for some time yet, she felt instinctively that her first client was before her, her first case about to begin.

"The court!" Mrs. Rhoads almost sniffed. "The court may go through the motions, Miss, but he'll get no real defense in this county."

"That's as may be," said Jean. "Mrs. Rhoads, I'll take this case."

"But you're a woman," said Mrs. Rhoads blankly.

Jean laughed. "Yes," she said, "I'm a woman, but I'm a lawyer, too."

Jean Vallery's first case absorbed her entire attention. She complied with the necessary formalities at once, and set about posting herself in many minor particulars ordinarily left by the chief counsel to assistants. She inserted advertisements in all the principal papers of the State in the hope of finding the missing rustler. At one time it seemed to her that it would be impossible to secure a jury, so general was the prejudice against her client. And yet, having read many of the State newspapers, she

could not divest herself of the idea that the sentiment was largely manufactured. There was a similarity not to be explained on any other hypothesis.

It was a campaign year, and the cattle men, whose interests were endangered by actual settlers, were depicted as the benefactors of the State, men whose money had made it, and whose interests must be protected at all hazards. Several gentlemen, candidates for office, lost no opportunity to inflame the public mind against Tom Rhoads, and called on "the good people of Cheyenne" to "prove themselves a law-abiding community by avenging the murder of the unfortunate cattle herders."

When the case was called the courthouse was packed. Jean knew something of nearly every talesman brought into court, and sat imperturbably challenging "for cause," showing the connection of this would-be juror and that with the cattle men who were paying the lawyers, who were much in evidence as consulting counsel for the prosecuting attorney. She used her peremptory challenges very sparingly, and long before a jury was secured the gentlemen who had been disposed to amuse themselves with quips at the expense of "their learned sister-in-law" had grown almost deferential in their manner.

The attention of those present was divided pretty evenly between the prisoner and his counsel. Jean sat by herself, a little in front of Tom and his mother, her papers on a table before her. Mrs. Rhoads's hand rested on Tom's arm, and her patient, wistful face was turned pleadingly to the jury. The prisoner was a handsome young man, under thirty years of age, quiet and contained in his manner, and dignified in spite of his shabby garments. He had lost many coats of tan during his long confinement, and in contrast with his jet-black hair his face looked almost pallid. Jean did not look at or speak to him until at the close of the charge. When the usual question was asked, "Guilty or not guilty?" he took a long breath and, looking full in the judge's eyes, answered, "Not guilty."

The trial proceeded in the usual way. The witnesses for the prosecution had been carefully drilled, and did not deviate a hair's breadth in their story. They swore they had no evil intent toward the prisoner; they were driving their herd to a new pasture; two

of their number went to a ranch for water; one of them was shot down. The cross-examination failed to materially shake their testimony. None of them knew of any warning left at the ranch in question; none of them had cut any wire fences; none of them saw anything unusual in driving the herd by night. There was no intention of violence in their proceedings before the arrival of the sheriff; they were merely guarding the prisoner until his arrival. This claim brought out the question from Jean, "Who notified the sheriff of this shooting?"

For a moment the rustler was nonplussed, then he answered with the utmost *sang-froid*, "One of our men; he was goin' East, an' it was in his way."

"He went at the request of your party?" asked Jean.

"Sure thing," said the man impudently.

When the prosecution closed, the general impression seemed to be that the county had a very strong case. In opening the defense Jean did not make any very extended statement. She stated the facts she expected to prove by her witnesses, and then called for John Burns. There was something of a sensation when he took the stand, for in him the prosecution recognized the missing "rustler," on whose absence they had counted quite certainly. After various preliminary questions, Jean said, holding up a buck-horn-handled hunting knife, "Witness, do you recognize this knife?"

"Yes, Miss," he answered.

"When did you see it last?"

"I disremember the exact date, Miss, but last June, the fore part of the month sometime."

"Is it your knife, and if so did you lose it?"

"It's my knife all right, Miss, but I didn't lose it exactly. I left it fer a feller to remember me by."

"Did you leave anything else with it?"

"Ye'h; I left a scrap of paper."

"Is this it?"

"I reckon so. The last time I seen it, my knife was pinnin' it to the door of him as is the prisoner."

"Did you put them there?"

"Yes, Miss. I didn't do the writin', not bein' no scholard.

Our Captin done that, but I put it up while the other fellers was cuttin' the fence."

"Tell what you know about this case, briefly," said Jean.

"Well, Miss, 'tain't to say a heap, an' yet it's a right smart chance too much. After we put up the notise an' cut the wires we went back to the herd and waited fer to see what they'd do. We gin 'em four days, an' then we moved up with the herd. Them steers didn't wait for no invitation when they seen the corn. Long about sun-up me an' the Captin went up toward the house. He began to throw things inter the well. A woman up to the house sung out to quit or there'd be trouble. Well, there was trouble. He answered her right sassy, an' a minit later he was dead with his boots on. It was a mighty purty shot. He never knew what struck him."

"What happened next?"

"The woman come out fer to see if he was dead. I knew as she hadn't done the shootin' herself, an' not wanting to finish my airthly career so almighty suddint, I didn't go fer to make her no trouble. She said they'd give up to the sheriff, and seemed mightily broke up."

"What did she ask you to do?"

"Well, when she seen there wasn't no chance of gettin' him off, she asked me reel urgent like if I wouldn't go fer the sheriff myself; I didn't have no very pressin' engagement, an' I thought there might be some more shootin' if I was unaccomodatin', so I went."

"What inducement did the lady offer you?" asked the prosecuting attorney.

"The unusual pleasure of the sense of havin' done my duty," answered the rustler with a sweeping bow. "I ain't above herdin' cattle, but I ain't jinin' in no murderin' necktie parties."

"How about the murder of your captain at your side?" asked the lawyer.

"Wa'ell, ye see, pardner," drawled the witness, "I'm from Texas; down there, when a feller don't do as he's axed by a lady, we don't think shootin's any too good fer him."

By putting Mrs. Rhoads on the stand Jean proved the receipt of the warning and the cutting of the fences; also that Burns went

for the sheriff before the arrival of the rest of the rustlers. The jurymen handed the warning from one to the other, examining it curiously. Mrs. Rhoads was not entirely unknown, and her simple story told with the audience; Jean wished that she felt equally sure of the jury. When she rose to make her defense there was instant silence. She was facing the judge and jury, and did not see two gentlemen who made their way into the crowded room and remained standing near the door. She was a beautiful woman, with a clear, ringing voice, which she knew how to control perfectly. She was well gowned, confident that no matter how the case might go, she had right on her side, and, — it was her first case. She began her plea simply, telling the story of the struggle of this woman and her son for a livelihood. She spoke of their hardships, the weary years of wandering, the faith in a new State that made them cast in their lot with her, believing in her protection to even the poorest of her citizens. Then, when the good times which had been so long coming seemed at last near at hand, came this infamous notice to leave the little home, and, relinquishing the work of years, go forth once more penniless. The destruction of the fences, the ruin wrought by the herd, the insolent vandalism of the leader of the rustlers, the attempted lynching, prevented by the arrival of the sheriff sent for by the man accused of murder, all this was depicted in a masterly fashion that fairly carried the people away for the time being. Jean forgot herself, the crowd about her, the slurs of the townspeople, the innuendos of the newspapers, the prejudice against her client, the grimy building, the ugly town, the coming election; she forgot everything except the judge and jury, and the strained, tearless face of the little woman sitting back of her. Women sniffed audibly, and men sat with open mouths. The judge leaned forward, and the jury, knowing already the verdict that was to be brought in, regarded her uneasily. The older of the two men by the door watched her proudly. The face of the younger was beaming when she sat down.

"It's a clear case," he said softly.

"Yes," answered Judge Vallery. "It's a clear case, Henry, but she's lost it."

The prosecution went over the old ground, and closed an im-

passioned appeal to the jury with a demand for the observance of the old law, "Whoso sheddeth man's blood, by man shall his blood be shed." The jury filed out, and there was a little hum of conversation in the courtroom. Some time passed. It grew dusk, yet but few persons quitted the room. The clerk of the court tiptoed out and returned with a smoky kerosene lamp which he placed on the judge's desk. It burned feebly, seeming rather to increase the darkness by contrast. The jury remained longer than the judge anticipated. He had certainly made clear the verdict he expected in his charge. His forehead was gathering an ominous expression when the sheriff announced that the jury was agreed. Jean's face flushed and then grew pale; she knew the inevitable result, and braced herself to meet it, but as she turned to Mrs. Rhoads and saw the look of perfect confidence with which the frail little creature regarded her, a lump came into her throat.

She had only time to whisper, as the jurors filed in amidst a general buzz of excitement, "Don't be alarmed, Mrs. Rhoads; I know this jury has been tampered with. We shall have to move for a new trial."

The jurors answered to their names, and the foreman handed the verdict to the judge. The wrinkles left his forehead as he read it, but as he looked up and caught Jean's indignant gaze, he colored hotly, and returned the slip of paper to the foreman. He read it, — "Guilty, as charged," and almost before he had seated himself Jean had moved for a new trial. There was no outbreak of applause in the courtroom, and Tom received the verdict with composure. But Mrs. Rhoads could bear the strain no longer; with a half-suppressed cry she lost consciousness. The sheriff was leading Tom away. Jean stooped and gathered the little woman up in her strong young arms, and stood facing them all. "She is a widow," she said in her vibrant voice, "and he is her only son." The crowd made way for her respectfully.

. . . . . .

When it was learned that the attorney for the defense in the case of the State *vs.* Rhoads was the daughter of the celebrated Judge Vallery, the press of that and adjoining States wrote her up, interviewed her, advertised her ability far and wide, and she had many offers of assistance in the new trial which was set for

an early date. She declined them all graciously. Much to the public surprise, she managed to have the trial postponed for some time. Her father was somewhat annoyed at her failure to push the case, and wrote her toward the end of the winter: "If you go to trial now, with all this sentiment stirred up over you and Mrs. Rhoads, even with the sympathy against the son, you will be able to get a light sentence. If the cattle men have the power you believe, you can never clear him entirely. Don't have too many of 'the law's delays.'"

Jean only smiled when she read this letter, and wrote back: "My client is going to be set free without ever seeing the inside of the penitentiary. There is absolutely no chance with a jury, for it will be impossible to impanel one that cannot be bought up. These people are poor; many of them owe money to these rich men now. Neither is it any use to appeal to the Governor; he has senatorial aspirations, and would not offend the powers that be. This isn't a contract, but time is its very essence, nevertheless. I have secured another stay of proceedings, and shall go to trial just as soon as the legislature adjourns. *By that time Cheyenne County, as it is now, will have ceased to exist.*"

Judge Vallery read this letter a second time carefully. "By Jove," he said, "what a head that girl's got! Technicalities are to blame for most of the injustice in this country. It's a pity if they can't be used on the side of justice once in awhile!"

Among the laws enacted by the legislature of the State during that session, not the least important was the division of Cheyenne County into half a dozen new ones. It was upon this fact that Jean now relied. The second trial, which came off in May, was held in one of these divisions, the Rhoads homestead being situated within the boundaries of the new Flag County.

Jean expected nothing different and appealed the case, securing in addition to filing her brief an oral hearing. The case was vital to her, although she did not in the least realize that it was destined to give her a national reputation. She thought only of the little woman in rusty black to whom it meant life or death, and this unselfish aim, making itself felt through her impassioned appeal, disarmed prejudice and secured the close attention of the judges.

Realizing that it was impossible to get justice in the spirit of the law, Jean appealed only to the letter, citing from her brief certain undeniable facts that sent a bombshell into the camp of the enemy.

"*My client*," she said, "*is entitled to a jury drawn from the county in which the alleged crime was committed. That county in its entirety is a thing of the past. The newly enacted law affords no means by which a jury can now be secured from that territory, no saving clause having been inserted in the division bill providing for a contingency of this nature.* Therefore the prisoner must be set free." She concluded with the well-remembered words of Lear: "Shall we take his life without a form of justice?"

Two days later the Supreme Court handed down its decision. Mrs. Rhoads alone, desolate and despairing, waiting in the barren little hotel where she had met Jean, hardly understood the purport of the telegram Mr. Barnes placed in her hands: —

"Lower court reversed. Your son is free."

She repeated the words mechanically. Then their meaning flashed across her bewildered brain, and she dropped on her knees sobbing out the old words that have brought comfort to so many hearts: "He watching over Israel slumbers not nor sleeps."

Jim Crow — Detective.

BY STANLEY EDWARDS JOHNSON.

WHEN my brother Randolph brought him down on the wing up in the pine woods of Maine, none of us suspected that he was destined to make us famous.

He seemed then to be quite a plain, ordinary crow; but he was very young, and as he was only injured in one wing, and that but slightly, we put him in a cage and clipped his tongue, hoping we could teach him to talk. Naturally he resented this kind of an introduction to civilization. At first he responded to our cajoling pokes only with a surly, half-frightened *caw*, ate his meals as if he thought they were drugged, and after they were over he would flutter back to his perch, ruffle up his feathers, and comfort himself with a look at the pine woods. But little by little our daily attentions — and especially our irresistible bill of fare — won him. He began to "take notice"; when we came with his food he would sway from head to foot from pure delight, his youthful lankiness rounded out to aldermanic proportions, his head assumed a self-satisfied pose, and when he had finished dressing his feathers after dinner — for we never could make him understand that it was the proper thing to dress before and not after that function — a sleeker, more elegant individual never walked in broadcloth.

For some time he showed no signs of his peculiar genius. He soon grew fond of his fetters, and when we broke away two slats from his cage and gave him his freedom, he returned to prison after a tour around the farm, strutting up and down, and wagging his head as much as to say that he owned the place and us into the bargain. From that time he had his bill in everybody's business. He used to flutter off to the woods — for his wounded wing was never as strong as the other — with our pins and buttons, and any small metal articles we left in his way, and Randolph

used to say his friends and country cousins must take him for a Klondike gold-digger. But he always brought them back. The trouble was, he brought back other things, too; at first only bits of wire, scraps of tin, tacks, and the like, which he would lay at our feet with a knowing cock of the head that seemed to ask protection for his hoard, but afterwards — ! However, that came later.

He was a bright bird. He never learned to talk; he was much too busy to trouble himself with anything so frivolous as speech, but he had a sly way of listening and looking at us, as though he were laughing in his wing.

"Good reason why he won't talk, the rascal!" said Randolph. "He don't want to give himself away."

At last we were forced to fear that this was true. Our pet was developing into a professional burglar. The hoard in our keeping grew and grew, and finally one morning when Jim, after an all-day trip, laid at our feet a silver thimble, our fears were confirmed. Whose it was we never could find out, and when at last we laid it away in trust with the rest of Jim's hoard, we felt like thieves ourselves.

Apparently Jim rested on his laurels after that, for several weeks passed with no additions to our trust more alarming than a brass button or two, and we were beginning to breathe freely again, when one noon, after an absence of three days, Jim fluttered into the dining room, and with a triumphant caw let fall in mother's lap a small key. An important key we judged it, for it was made of brass, flat and broad, and of peculiar workmanship, as though designed to baffle thieves; and we felt sure that Jim had captured it under great difficulties, for he seemed completely fagged, and slept during the whole of that day. But the next morning, after eating a heartier meal than usual, he was off again, leaving us to await developments in a shiver of apprehension.

This time three days elapsed before, one evening at sunset, we saw the wanderer circling homeward, the ruddy light gleaming upon some glittering object held in his bill. Instead of bringing his prize to us directly, he perched tantalizingly in the highest bough of the fir tree in our yard, refusing to be lured down even

by a tempting supper that we put out for him. When, finally, darkness drove him from his height, it was a tired but triumphant bird that descended and laid in mother's hand—a ten-dollar gold piece.

My brother was young enough still to believe in buried treasure. "Captain Kidd!" he cried in an awe-struck tone, examining the gold, which he expected would be a Spanish ingot.

But the momentary hope of wealth died out with the discovery that the date of the coin was 1871. Whosesoever the treasure was that Jim had found, our only concern must be to return it. But how? The question grew to be one of burning and transcendent interest as the passage of a week added two more long flights to Jim's record, and first a five-dollar gold piece, then an eagle to his credit — or rather discredit.

How to trace him we did not know. The shot in his wing had lamed him so that he had never been able to fly very fast, being obliged to stop every few hundred yards and rest, but he seemed gifted with the instincts of a born criminal, and when we tried to follow him he always eluded us by dint of distracting doubles, and detours, and cross-country flights. And yet to kill him, or even to condemn him to imprisonment for life, meant to cut off all clues whatever.

We tried indirectly to learn if any one in the neighborhood had lost money. We drew out our friends and acquaintances persistently on the subject of burglaries and mysterious disappearances, and father even went so far as to mention the treasure-trove of our bird at the store in a casual way; but we only made our neighbors think we were addicted to dime novels, and nothing but father's honorable reputation saved him from open ridicule. Evidently we, a respected and law-abiding family, were destined to become the "fences" of an immoral bird.

We used to joke about the possibilities of arrest and the officers of the law, but the thought actually weighed on us, until the sound of the doorbell or a strange step would send a panic through the house, and finally the necessity for some kind of action drove us to advertise.

We realized one day, to our astonishment, that in a single month that bird had earned more than the farm and all the rest

of us put together, and the next week this paragraph appeared in the *Dongo State News*: —

> **TO WHOM IT MAY CONCERN!**
>
> A tame crow, belonging to the undersigned, has brought home $45 in gold during the past three weeks. The owner of the crow disclaims all responsibility for its acts, and the money will be given to the rightful owner upon proof of property and paying the expenses of this advertisement. — *Willard Calkins.*

The paragraph was copied, several reporters interviewed us, and our pet's fame spread even to the New York papers. But the only practical result of all this free advertising seemed to be that several persons offered to buy Jim, three dime museums made tempting bids for the right to exhibit him, and one man was anxious to give a hundred dollars for the bird "with all his rights."

The weeks wore on, and it was two months after Jim Crow had entered upon his professional career as a burglar, when father returned from the fields one day and found a detective in possession of the premises. What we had so often joked about had come to pass. Father was put under arrest. "It's just for form's sake," the detective explained. "I can't serve a process of law on a bird."

He told us that his clients were an aged brother and sister who had lost some gold and securities, but we could get nothing more out of him except that there was no conclusive evidence that the coins hoarded by our Jim were the ones he was after.

"There's more than one gold eagle of '71 in the world," said he grimly.

But I knew there could be only one key in the world like Jim's key. I brought it out. The detective's hand closed over it, and I thought I detected a glint of recognition in his eye. But he thanked me coolly enough and turned to father.

"We've got to track that bird," said he. "Where is he?"

Since he had realized he was in the clutches of the law, father had stood around looking at us in a dazed way, but at this he chuckled. He had tried tracking Jim himself.

"Stranger," he said, "if I've got to stay in jail till you've tracked that there bird, I'll stay till kingdom come. I calculate you ain't much acquainted with Jim Crow."

The detective smiled. "I reckon it ain't so bad as that," he remarked. "Now, I s'pose you ain't never thought of tyin' a leetle string of red flannel onto his leg?"

We had to admit we had never thought of that, and went to find our crow. He was not at home, but that evening he returned with an irregular bit of paper which proved to be a piece of a United States bond. When he set out on his mysterious quest next day, he wore a bright red anklet and was followed by some twenty trackers especially engaged for this secret service.

And then ensued such a chase as an experienced crook might have led a band of thief-catchers. Had it not been for his lame wing, which obliged him to rest at intervals, and impeded the swiftness of his flight, the task would have been hopeless from the first. Even as it was, backward and forward, east and west, now circling dizzily over one spot, now darting off as fast as he was able across the country, Jim led those men a breathless chase for twenty miles. Several times he disappeared altogether, but the red anklet betrayed him, and at last he was discovered going to roost in a tall pine tree. The detective now seemed sure of the direction of his flight, and he sent men forward to station themselves in relays all the way between there and Portland.

Early the next morning Jim was on the way again, this time making no flippant detours, but skimming along in a line as straight as the proverbial crow's flight, as befitted a bird bent on serious business. Throughout the morning he kept to his course, in view all the time, until just before noon he began circling over a stretch of forest about nine miles from the city, then dropped suddenly down out of sight into the dense mass of foliage. Within half an hour fifteen grown men might have been seen waving their hats like mad, shaking hands, and, in general, behaving like the successful backers of an election; for a red-flagged crow was to be seen busily at work in the crotch of a neighboring tree. A giant of a hundred feet was that tree, and the crotch where Mr. Jim perched rose a sheer, leafless distance of thirty feet from the ground, but the detective was not country reared for nothing.

Before the group had finished offering their services, he was shinning up like a monkey, and ten minutes later he was perched on the limb that forked from the crotch, and was holding out a handful of something that glinted in the sun, while Jim fluttered around cawing shrilly. It was the lost gold.

When the detective touched *terra firma*, he had also a little package containing the missing notes. Both that and the gold had been deposited in a hollow above the crotch, the paper being protected from the damp by a piece of oilskin which had evidently been torn from some oilskin clothes. We now supposed that the search was over, and after we had congratulated ourselves all around and petted Jim, we began to get ready to go home. But not so the detective. He watched the bird, and, sure enough, after Jim had rested a few minutes on my shoulder, he was on the wing again making shoreward. The detective followed, and, curious to see what would happen next, I went along with him. This time the chase was short. A few rods from the shore Jim fluttered up to a small fisherman's cabin, where he was greeted by a young fellow who looked to me like rather a hard customer. I glanced at the detective. He was examining with much interest some articles of clothing which hung along the outside of the cabin near the eaves. Among them was an oilskin coat from which a piece had been torn. The officer took a hasty measurement with the piece of cloth which had been wrapped around the notes; then he walked up to Jim's friend noiselessly and touched him on the shoulder.

"I arrest you in the name of the State of Maine!" said he.

Since that day our tame crow has answered proudly to the name of Detective Jim.

Jugganath's Ring.

BY W. A. FRASER.

"YOU will have to wait an hour," said Dr. Balasco. "The tooth is broken, and some time will be required to fix it properly. Here is a magazine and, as there are no ladies about, a cigar if you like."

Then the doctor, with the courtly manners of a Virginian, and the frank, pleasant smile of a downright good fellow, withdrew to prepare a gold cap for the broken tooth. When I had finished my cigar I felt too lazy to read, and as I sat glancing about, a gleam of prismatic coloring caught my eye. It was reflected from a ring upon my finger. A shot of sunlight had come down from an opening in the shutter just above my head, and the large diamond in the setting was dancing with fantastic coloring.

This ring was unique. It was a serpentine coil of gold; the head was a large Golconda diamond of unusual purity; this was hooded round with a slender gold band; the eyes were two pigeon-blood rubies, as rich as ever came from the King of Ava's mines.

Two years before I had been in Her Majesty's service in India, and for a period of ten months was stationed in the dependent State of Vizianagram. The State's business, which consisted chiefly in grinding more money out of the ryots (small-farmers), was carried on by the Dewan, and a grand revenue collector he was, too. Sitting in the cool of a veranda in the *Dewan's Koss*, he would spit at the groveling, pleading tillers of the red, sun-baked earth as they begged on their marrow-bones — down on both knees with their faces buried in their clasped hands — for some relief from the grasp of the tax fiend who had clutched them by the throat.

Nothing turned him from his course — pleadings and prayers

glanced from his thick skin like bullets from the armored back of an alligator. Even when that thick skin was penetrated a little it mattered not, for twice had a long steel blade been driven hilt deep through it, with a vengeful sweep of the arm of a ruined native.

Jugganath Raj was wealthy. From being clerk in the Dewan's office, he had risen to be Dewan himself. And when the ryots brought their families and begged him in the name of all their gods to be merciful, he spat at them and reviled them, and stripped the women of their jewels to pay the tithes. To the Europeans he was "Old Jug," but to the poor natives of the lower class he was "Sir P. Jugganath Sahib Gam, Dewan."

It was of this man I had the ring; not that we were friends — no man was a friend of Jugganath Raj — and that was the strangest part of it. When I was leaving I went to pay the farewell visit which native etiquette demands. With difficulty Jugganath rose from where he sat, with his legs doubled under him, for he was fat and rheumaticky, and sprinkled the attar of rose over me, placing about my neck the customary parting gift, a gold filigree chain. Then with an evil smile passing over his vicious face, he put his ring upon my little finger, saying: "The Sahib is great. I am the Rajah's servant, but perhaps some time this will make you think of me. Do not lose it, Sahib, and," with a laugh like a hyena, "do not admire it too much."

The snake's eyes fascinated me this afternoon as I sat in the comfortable leathern operating chair and gazed fixedly at them.

It was as though I had been touched by the wand of a Hindu magician. The old life at Vizianagram opened up before me as one unfolds a Japanese screen.

I was glad when I heard footsteps behind me, and a pleasant voice called me out of the stupor into which I had fallen. The speaker was a tall, pale young man with a decided stoop, hair worn rather long and parted in the middle, blue, serious eyes with a droop in the left eyelid, and I caught the gleam of heavy gold filling prominently displayed in his front upper teeth when he smiled.

"Pardon me," he said, "but that is a beautiful ring you were admiring as I came in. May I look at it?"

I made no objection, and he bent over my hand for a moment. Then sitting down, he opened a small instrument case which stood in the corner, and took out a bottle. Sprinkling a few drops on his handkerchief, he inhaled it with a long-drawn breath of satisfaction.

"This is chloroform," he explained, seeing I was watching him. "Have you ever tried it? I have a nervous irritation of the throat, and this is its best remedy. I feel as if I were down in the bowels of the earth, digging for gold or something. All the little bothers of life have been blotted out. It's a great nerve settler. Do you care to try it?"

For answer I lazily held out my handkerchief, which he moistened with the fluid and placed gently to my face. "Take a good strong breath," he said.

I did so. There was a queer, tickling sensation up my nostrils, a sweet taste in my mouth, a gentle, dreamy languor. I felt myself sinking, sinking, sinking. Evidently I, too, was going down into the depths of the earth to dig. All at once something clutched my hand with a vise-like grip. It was the young man who had given me chloroform, who was tearing the ring from my finger. I struggled desperately and tried to shout, but I was powerless and voiceless. Just as I was about to be dashed to pieces at the bottom of the awful gulf toward which we were descending I awoke with a start, and, staggering to my feet, was confronted by — Dr. Balasco!

"Well, by Jove!" he said, with his pleasant laugh. "You have had a great sleep. I must have startled you when I put my hand on your arm."

I stared stupidly at him a moment, then things began to take shape in my mind and assume their natural sequence. I glanced at my hand. No, I had not been dreaming; *the ring was gone!*

"Where is he?" I gasped. "The thief — did you see him go out?"

"What thief?" asked the doctor, looking at me quizzically.

"I have been robbed," I blurted out. "Doctor, a man came in during your absence, chloroformed me and stole a valuable ring from my finger."

The doctor was amazed and doubtful; he evidently thought I had had a bad dream. I reiterated my statement, showing him a

slight contusion on the second joint, where the ring had been wrenched violently off. He ran his fingers through his hair and looked bewildered. "How did the fellow get in?" he asked. "No one can enter this room without giving notice, for, as you probably observed, there's a bell on the door. Had it rung I should have heard it, for I am accustomed to be on the lookout for visitors, and never miss it."

I gave the doctor a hurried account of the sudden appearance of the young man and his subsequent actions. He listened with increasing astonishment. "Can you describe him?" he asked.

I did so minutely. "It is very peculiar," he answered. "You have accurately described my assistant, Mr. Valoyd, but I can bear witness that he has not been here since I left you. He has been at work in an inner room, the only exit from which is through my office, where I have been constantly engaged for the past hour."

Dr. Balasco's manner was perfectly judicial, and he appeared to be weighing the matter carefully. "Come with me," he added. "We will investigate this affair at once."

We proceeded to the inner room, where his assistant and the artisan who made and set up the teeth were at work, and as Valoyd turned toward us, I recognized with a thrill of recollection the long, lank hair, the sinister droop of the left eyelid, the stooping shoulders — in short, the man who had given me the chloroform. I could have sworn to him among a thousand.

"Have either of you been out of this room during the past hour?" asked the doctor.

"No, sir," replied the artisan, looking up from his bench and holding poised in a small pair of pincers a porcelain tooth.

"And you, Valoyd?" he questioned, pointedly addressing his assistant, and there was a slight tremor in his voice.

"No, I've been here for the last two hours," answered the young man, without the slightest hesitation. He proceeded with his work with the most admirable *sang-froid;* had I not seen him take the ring, he would have deceived even me.

The doctor looked at me. "Do you wish to make an accusation against Mr. Valoyd?" he asked.

"I do," I answered somewhat hotly, for the cool self-possession

of the man who had robbed me, actually seeming to put me in the wrong, angered me. As I described the scene that had taken place in the dental parlor, Valoyd looked straight into my eyes unmoved, though I saw the color rise to his pale face when I mentioned the taking of the ring. In a few emphatic words he utterly denied all knowledge of the transaction, and the artisan corroborated his statement so far as to ratify his assertion that he had not been absent from the room for the past hour.

There could be, of course, but one result to all this. A detective was put upon the case; there was an inquiry; two or three consultations were held at police headquarters, and a searching examination made of all hands about the place. As the mystery deepened I saw that it was reflecting anything but credit upon myself. The loss of the ring dwindled to small importance, compared to the other features of the case, for it had come to this — either Valoyd was guilty or I had deeply wronged an innocent man on account of an hallucination which might hint at an unbalanced reason. But from all the investigation not a single clue was discovered. The mystery of the ring grew deeper and more inexplicable as time passed on.

A marked man leads a miserable life. Continuous watching had its effect upon Valoyd, and either this or a sense of guilt weighed him down. The stoop in his shoulders increased, his face grew sunken and haggard. I wondered at times what must be his reflections knowing, as he must know, that I had been conscious at the time of the theft, and was fully cognizant of his guilt. Under these circumstances I was not in the least surprised when he resigned his position with Dr. Balasco.

But a fatality followed him, as though an invisible justice had taken up the case. Another engagement that he entered into, and which seemed likely to prove a life-long work, was broken.

About this time, in an extremity of feeling, I wrote to my friend Dr. Hanson, at Vizianagram, asking him if he could gain any information concerning the ring of Jugganath Raj, and relating the circumstances of its disappearance. I knew the doctor had a certain hold over the Dewan — it was some crooked business that had happened long ago, in which the crafty old fellow had been involved.

One morning three months later a letter was laid beside my bun and coffee, with the four anna six pie stamp in the corner. I tore it open and read: —

Dear Philip: I have seen "Old Jug" about that infernal ring he gave you, and think I can put you in the line of straightening the whole thing out. It took considerable pressure to bring him to time. At first he sputtered evasively, and said he had given you "nice ring, very nice ring, because you were such a good Sahib, a *bahut achcha lat Sahib.*"

I knew this was a Hindu truth, and gave him until four P. M. to remember exactly what kind of a ring he had given you. The old *sheitan!* His memory was better at four o'clock, and with many salaams he told me all about it.

Of course I can't remember all he said, but the whole thing seems to be that he had it in for you, and gave you a ring that he got from the temple at Poree, and which, under certain conditions, has the power of kicking up no end of bobbery (trouble). Some of their cursed Brahminical deviltry.

"Old Jug" wanted to stop at that, but I told him that as he had gotten you into a scrape, he would have to get you out of it. Finally he gave me a curiously carved small green stone, which I forward to you per registered parcel. "Jug" says that if you take this in your hand and go to the place where you lost the ring, and allow yourself, as it were, to come under its influence, the thing will be cleared up or you will see again what occurred at that time.

Now, old man, after the mystery is solved I think the best thing you can do is to chuck the ring into the sea or give it to the British Museum.

This was all the letter contained relating to the ring.

The next day I received the registered parcel. It contained a small green stone, about the size of, and shaped like, the index finger of a child's hand. At a glance I saw it was a beautiful piece of jade. On it were engraved these characters: —

"بخت".

This was the Persian word "bakht," meaning good luck, and I surmised at once that there must be some great evil in the ring, and that Jugganath had sent this as a talisman.

I lost no time in repairing to Dr. Balasco's office, and explained to him the situation, saying that with his assistance I hoped to clear up the mystery. The genial doctor was as much interested as I, and was eager to have the experiment take place at once. I took my position in the chair, just as I had sat that fatal afternoon, holding the jade talisman grasped tightly in my

hand, and concentrating my mind on the ring and what had occurred that day.

I felt my senses being lulled to sleep; the din of the street died out from my ears; all my outer life was shut off. I could see about the room quite distinctly, but this did not distract me, for I seemed to have a double vision. I was aware that Dr. Balasco was standing there, but only as a statue or a figure in a mirage. Presently living figures began to people the room; old Jugganath peered at me from over my shoulder, holding up the lost ring. I saw myself approach him as a bird approaches the serpent which has fascinated it. The ring seemed to have hypnotized me.

Then the figure of Valoyd appeared, with a reproachful expression on his face, but he made no movement toward the jewel. Nearer my own form approached — it took the ring from Jugganath's hand, proceeded like one in a trance toward a grinning skull which was lying on a high shelf, and prying open the hideous jaws, I dropped it within, and coming back sat down in the operating chair. Awaking with a start, I found the doctor looking at me curiously. "What is it?" he asked. "You seem to have been under some strange influence."

I looked around, and there on the high shelf was the grinning death's head I had seen in my vision. The doctor saw me looking at it. "That's a skull I use for showing the arrangement of the teeth," he said, with a smile.

I rose without a word, and stepping on a chair lifted down the gruesome relic. There lay the gleaming demon ring of Jugganath!

. . . . . .

Reparation was due to Valoyd, and luckily it was not too late. He is again with Balasco, is doing well and is apparently happy. As for me, I did not take my friend's advice about the ring. I have it still, but though I value it as a curio, I take care that I do not "admire it too much."

Long Brown of Esmerelda.

BY ARTHUR McEWEN.

LONG BROWN lay in bed and smiled. He was in a lightsome mood, for the Chinaman had but a little while before brought him his morning coffee, and, with his hands clasped behind his head, and his shrewd blue eyes fixed on the ceiling, he was smoking the cigar which he always smoked at this hour — 11 A. M.

Long Brown's smile was occasioned by a conversation going on at the time in the adjoining room. Partitions were thin in Esmerelda, and privacy was one of the luxuries not enjoyed in that decaying Nevada mining camp.

Few men in Brown's position would have felt like smiling. A gambler, he had been playing in the worst luck for weeks. He had played in bad luck before, but never in anything like this. His watch, his rings, his diamond studs, his spare silver-mounted sixshooter, and — of this he was ashamed — some of his more costly garments, were in pawn. He had borrowed till he could borrow no more, and even the least respectable of his friends were growing cool.

It was not at this plight of his that Long Brown smiled, but at some reflections which were forced upon his sharp mind by the conversation he could not but overhear. He was something of a philosopher, and, to his amusement, cogitated upon the inconsistencies which inhere in those social laws that are written and enforced by custom.

In the next room Mrs. Vasquez and her daughter Pachita were talking, Pachita tearfully. Esmerelda custom permitted Mrs. Vasquez to take in lodgers, even sports, without loss of caste, but when Long Brown met Pachita Vasquez on Esmerelda's one street, she was expected not to see him; whereas she not only saw but stopped to talk with McKenzie, the young clerk at the Bullion office, and also a lodger.

Long Brown smiled harder than ever. He did not rebel at the discrimination, having lived too long in the sage-brush, and possesing too intimate an acquaintance with sports not to recognize the justice of the outlawry of his free-living and happy-go-lucky class, quite unfit for domesticity and its responsibilities. The previous afternoon Pachita and the clerk had passed him — the former carefully unconscious of his proximity, and the latter just nodding for shame's sake — and now Long Brown, listening whether he would or not, to the conversation on the other side of the partition (and he had no fanciful scruples on the head of being an eavesdropper), puffed his cigar and thought of several things. One of these was the girl's beauty. It was not a new decision of his that he had never seen a prettier, more graceful, alert little creature in his life. "She's Spanish, of course," he admitted to himself, "but she's lived all her life with white people, and ain't to be considered a dago. Not much sense, naturally, being young and female, but she's just the sort men lose their heads over, and put out other fellows' lights for. She's not for me, I know. Sports ain't in this kind of race, but even if they were, what in heaven would I do with her? She's gone on that McKenzie, that ain't fit to serve drinks at a game when it comes to sabe."

Long Brown laughed quietly. He compared the small figure, the narrow shoulders, the mild, freckled countenance of the clerk, who was on a footing of equality, of favor, with his own stalwart frame, his six feet two of height, his brown beard, and his *ensemble* of stunning elegance, for Long Brown knew himself to be one of the handsomest and best-dressed men in camp. If bitterness rose in his heart, he quenched it with a resolution that was habitual. Gamblers know their place perfectly well, and learn to accept its disadvantages along with its exemptions. At least Long Brown had no need to go to school in this branch of Western life's instruction.

"It's perfectly preposterous," came Mrs. Vasquez's voice through the partition. She was Massachusetts born, and had married the late Vasquez in California. He had left her with enough, but she had tried to make it more in the mining stock market, with the result that Long Brown, her lodger, lay smoking

hard by, and could hear her nearly as well as though she had spoken in his ear. The other lodgers, normal men, were off about their business; sports lie late, and Brown was forgotten.

"It's perfectly preposterous," cried Mrs. Vasquez. "You've lost your school, and we've absolutely nothing to depend on except what this house brings in. You know I'd like well enough for you to go to the Emmet Guard ball, but a new dress — and that cherry silk at Goldstein's, too! — is utterly out of the question. If go you must, you'll have to make your lilac do. Perhaps you can turn it."

"I'm sure," pleaded the girl, her voice trembling, "that Goldstein would let us pay for it in instalments. I'll try to get some private scholars in embroidery and Spanish and — things. I must go. Alec has invited me, and I've accepted."

"Alec!" the lady's tone was the feminine equivalent of swearing. "What on earth can you see in that McKenzie? The camp's full of better men, and any of them would be glad to give you anything you wanted."

"Alec's poor now," flamed up the young lady, "but when the market turns he'll be all right. He offered to sell some of his Bullion to get me the cherry, but I wouldn't let him. It's bound to boom when they open the crosscut on the 1900 level."

Chivalry's manifestations often took substantial and serviceable form in Esmerelda, and no harm thought.

"Does McKenzie own Bullion?" inquired mamma, a touch of respect in her voice.

"Yes, a thousand shares."

"Well, anyway, you can't have the cherry. That assessment on Hidden Treasure has taken my last dollar."

Pachita wept, and the lodger, still smiling, noted the abandon of the despair in the youthful sobbing. Then he threw away his cigar and arose to dress and decorate his person as becomes a sport, whether in bad luck or good.

The morning following — over night Long Brown had surprised himself by borrowing a hundred dollars from the superintendent of the Last Chance, but was not surprised when it went in two bets, one open and the other coppered, for faro is seldom friendly to the previously unfortunate — the next morning, Senator Rolls,

proprietor of the Bullion mine, in making his rounds was interested in a sight that met his all-seeing eye. Not fifty yards from the hoisting works, and well within the marked and universally known limits of the famous Bullion claim, a man appeared at work with pick and shovel, digging a hole. The back of the industrious intruder was toward the astonished proprietor, who disturbed him in his toil by approaching and demanding what in an evil place's name he did there?

The miner stopped his labor, straightened himself in his pit, and after favoring the senator with an icy survey from head to foot, seated himself on the edge of the hole. As he dropped his pick, he reached for a shotgun lying convenient and laid the weapon across his knees.

The senator's manner altered. The dignity of authority and the red of indignation vanished from his intelligent countenance.

"What," he inquired with a grin, "has happened to make *you* go to work, my boy?"

"Well, I guess I *have* been a long time about it," answered Long Brown in seriousness, "but at last I've made up my mind to get in and drill and develop my claim. When grass is short there's nothing for it but work."

"Have you any partners?" asked the senator with friendly interest.

"About two thirds of the sports on the lode, and that means all of them that's broke. I'm broke myself, and there's nothing I won't do to make a raise—hire out to you or any other mine-owner as a fighter to hold a claim, or even go to work, as you see. The boys are back of me to a man."

This was not true. Long Brown was playing a lone and desperate hand.

The statesman looked fixedly at the hole, at Brown, and at the shotgun. He also gave rapid thought to the feebleness of the constituted authorities in Esmerelda, and the debonair disregard for life and property cultivated by gentlemen of the class represented by the one before him, whose scorn for legal and other conventions he knew well.

"It ought to be a pretty good claim this of yours," he said at last, sighing resignedly, and lighting a cigar, and handing one to

the invader. "Promising, I should say, anyway, considering its nearness to the Bullion, which happens to be mine."

"As sure as this is mine," declared Long Brown, crossing his legs and enjoying the senatorial cigar. "I haven't any doubt but it'll pan out all right."

"Suppose you were disturbed in working it?"

"It would not," said Long Brown, taking the cigar from his mouth and blowing a long, thin column of smoke straight up into the air, "it would not be healthy for the disturber."

"But it might mean jail for you, you know — I mention it as a possibility."

"In that case," explained the honest miner, "it would mean a dose of lead for the disturber as soon as I got out. You and I, Senator, don't need to be told that Esmerelda is neither Washington nor New York, Boston nor Frisco, nor yet Paree. This claim is mine, and mine it's going to be till it gets me out of the scrape I'm in, for, as I've told you, I'm flat broke, and in hock to the whole world."

Senator Rolls shifted his position uneasily. Though many times a millionaire, he was but a man, and knew Nevada. Still, the impudence of the thing was gross, and anger assailed him suddenly.

"Where's your title to this ground?" he exploded.

"Here," answered Long Brown, unruffled, tapping the barrels of the shotgun that rested on his knees.

"Brown," remarked the senator, his mood changing, "an industrious man like you ought to be encouraged. What do you ask for your claim?"

"Three thousand."

"Make it," urged the senator, who, being a man of business, was keen at a bargain, "make it fifteen hundred, and if you'll come up to the office with me I'll give you the money now — provided you insure me against any more shafts being sunk on this ground."

"Done," laughed Long Brown, "and I'll throw in the pick and shovel."

"But keep the shotgun?"

"To protect your property hereafter from jumpers," explained the prosperous miner politely.

Long Brown was awakened next morning by voices in the adjoining room, but though they were the same voices as before, their tune was not the same.

"Goldstein, mamma," almost caroled the girl, "threw off five per cent. for cash, and of course, as Alec insisted, I had to take the gloves — twelve buttons."

"Of course," assented mamma. "Did he sell his Bullion?"

"No," said the young lady, accustomed to the speculation as well as the speech of Esmerelda, "he told me he had made a little raise on the side."

Long Brown smiled again, though not cheerily, for he had sat long at faro the night past, and had not been abstemious. But luck had come his way once more, and in his trousers over the foot of the bed he had the wherewithal, and more, to take his things out of pawn, and to discharge the hundred to the Superintendent of the Last Chance, and all other debts.

Pachita had a dressmaker in the room with her. The cherry for the festival of the Emmet Guard was under construction. She intermitted her chatter only to sing.

"Mamma," she said, after a long ripping sound that told of parting silk, "d'you know it makes me feel kind of bad to be always meeting that Long Brown on Main Street, as I did again yesterday, in front of the National, and not noticing him. He's real nice looking and quite gentlemanly, but I wish you'd get rid of him. So long as he's in the house it's rather embarrassing not to speak to him outside; but of course I can't do that, his being a sport."

"Of course not," agreed mamma; and when Mr. Brown, that afternoon, informed her that it would be more convenient for him to live further down town, her protestations of regret were mere politeness, for a friend of McKenzie's, a new clerk at the Bullion, had made application for lodgings.

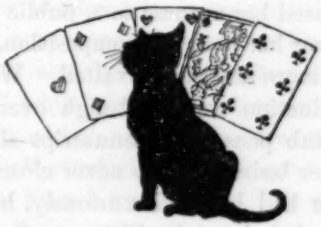
And Bullion went up. Within a week of the opening of the new crosscut on the 1900 the stock touched a hundred, in two weeks it passed the three hundred mark, and when it climbed to five hundred dollars a share, two events occurred simultaneously: Young McKenzie sold out, and permitted his coming marriage to Miss Vasquez to be announced.

"Brown, old man," the capitalist said as he presented the other with a check out of the new book whose newness was still an exhilarating pleasure, "Brown, old man, it was awfully good of you to stand in the way you did that time on the Emmet business, and I'll never forget it. Simply giving you the money back doesn't square our account, by Jove, and if at any time you go broke and want to be staked for the game just let me know, and anything in reason I'm good for."

"Thanks," said the gambler coldly, pocketing the check. "So she's going to marry you, eh? Well, that's all right; she's got to marry somebody, I suppose."

He turned away and went from the bar of the Silver Palace toward the faro room, but came back and grasped the other's hand energetically.

"See here," he began, with a frowning fierceness that astonished and startled the unoffending young man; "see here, I want you to be good to her, do you understand? Be good to her for — for style," he ended feebly, the other standing rather bewildered as the swinging doors of the faro room closed on Long Brown's broad back.



The Passing of Cesare.

BY HELEN PITKIN.

HER detractors called her unprincipled; the cleverest man in her set had told her that she went unhanged undeservedly, but the license of this speech had only made her laugh the reply: "I shall never venture aquatics, then, for fear that I cheat the rope," which was not pretty, for dying is ever a serious ceremony and should be hushedly considered. But the incorrigible coquette remembers nothing but self-love, especially when she abuses it most.

However, as one must be amused, it would be too bad not to indulge one's selected diversion, and Jacqueline, who fancied herself more than an embryo musical composer, and who wrote ambitious sonatas and thunderous fugues and themes during the day, found the vanquishing of man the most thorough refreshment and deliverance from the effects of work after her serious hours. It was a pity that Jacqueline was rich and pampered. Had she been poor she might have been forced to show what there was in her; as it was, she debased her aptness to a public pose, grew nervous and high strung over her hours of composition, and her opinion of self grew likewise more and more exalted. When dusk came and the throes of production were well-nigh over, Jacqueline would throw aside her stub pens and manuscript sheets and leave her music studio for her bedroom; she never closed her piano.

There, after she had bathed luxuriously, her maid would roll the waving yellow hair into the likeness of a coronet, array her in the clinging muslins or soft chiffons that she loved, tie a necklace of milk-white pearls around her whiter throat, or fasten her bodice with clasps of topaz that brought out the yellow-brown lights in her wide eyes.

There was a legend in the family Farston that Jacqueline had flirted with a park officer at the age of ten months, routing her

jealous French maid and gaining forthwith the admiration of the gentleman in blue. This charge Jacqueline met by simply avowing that her sense of the fitness of things, even at that period, was too keen to permit of such a disregard of caste. But at any rate she had kept up the practise of conquest ever since, and reckoned among her *attachés* gentlemen with whom a discriminating park officer would hesitate to associate.

At the age of twenty-two the beautiful Miss Farston had made a record which her family boasted of. Three hidalgos had sailed from over the seas to look upon her face and woo; barons, knights of Albion, a Japanese, a Sandwicher, — in fact, there was another legend which asserted that all manner of man had sued at her shrine save a Moor and a Chinaman, and when this was cited Jacqueline would look suddenly brighter and remind one that her life was still very young.

To her father and Miss Pauline these coquetries caused no disquiet. They marveled only at the tact with which their dear one disposed of her homagers. Truth to tell, Jacqueline did not dispose of many of them, and distinguished each of her suitors impartially as "one of the gentlemen to whom I am engaged."

She was, to give her credit, skilful in her maneuvers. She outgeneraled the man who can always tell when a woman is deceiving him; she changed her mood to correspond with whatever converser occupied the moment. By one she was believed to be ingenuous, another idealized her, another deified her, another was ravished by her spirit, another with her timorousness. One admirer sent her Kant and Trench, another, "The Lives of the Saints and Martyrs," while the cleverest man she knew, — one Dave Goddard, — who, withal, was not clever enough to doubt her, kept her curtained shelf stocked with Bourget and Flaubert, and the rest of the modern French fraternity. This man, too, sent her Jacqueminot roses in their season, and when he ran out of town bothered himself with telegrams descriptive of his adoration, which he somehow believed no one in telegraphic employ would understand, and all this appealed immeasurably to Miss Farston's sense of the romantic. Then there was the violet love, he who sent them in fresh bunches to adorn, crystallized to munch, and enameled and bediamond to wear. He was a journalist and wrote

verses to her about herself, which she set to music, more or less original, on violet-tinted note paper scented with orris. The lily-of-the-valley devotee was a pure-minded young scholar who, in offering a handful of the fragile flowers on one occasion, said: "I present you a mirror," which had moved Jacqueline almost to the point of reconsidering her rejection of his suit.

"Flora of Flora-land" her father named her, and cheerfully encouraged the purchase of confections suggestive of her various tributes. Thus her violet tea gowns and rose dinner gowns and daisy dancing dresses were builded upon the themes of flowers.

One glorious summer day Jacqueline stepped out upon the balcony which extended from her bedchamber into an ilexed shade, and which adjoined nearly that next. Her mandolin hung from an arm by a broad gold-colored ribbon, but the little instrument was mute and somber against its background of white muslin. For several months the adjoining balcony had been empty. To-day, however, Jacqueline noted, with a surprised quiver of the eyelids, that it was occupied by a young man who sat in an easy chair perusing the *Revue des Deux Mondes*. A swift glance showed her that he was slight and dark, and distinguished by that man-of-the-world aspect which marks well-born foreigners. As she appeared, he looked up, caught the glance she sent him, then resumed his reading. Jacqueline allowed her mandolin to hang untouched. In a moment more she had re-entered her room.

The following evening Jacqueline stepped upon her gallery at moonrise. The handsome young foreigner was standing not two yards away, looking down upon the imps in the street. His face turned towards the light figure of Miss Farston, who bowed to him coldly. He returned the salute without apparent surprise and resumed his survey of the gamins below. This incident occurred for several evenings successively; on the fourth Miss Farston approached the railing nearest him.

"Monsieur!"

The Italian's face evinced no surprise, neither did it show anticipation.

"I hope you will forgive my addressing you so unceremoniously. I am prompted by the interest I feel in the Spoffords, who

lived in your house till a month ago. They are abroad, I know. Have you any tidings of them?"

Jacqueline had spoken in French. One is always sure that educated foreigners know French.

The Italian regretted that he could not enlighten mademoiselle. He had only rented the house himself, which, by the way, was too large, as he was quite alone with his valet.

Did monsieur like the city?

Ah, yes, the social life was delightful; the De Lisles, the Caruthers, the Beldens —

Ah! Monsieur had met the Caruthers? Intimate friends of her own. Then Miss Farston hoped they would meet again, and — ah, yes, she would be obliged to inquire elsewhere for the Spoffords. And she wished him a very good evening.

When these young persons were formally introduced to each other at the Caruthers a week later, Miss Farston looked so unconscious one never would have believed she had arranged the meeting. That night she was so bewildering that the Chevalier Cesare Rubini almost lost his habitual self-possession. Then, too, so comprehensively she talked music, and every one told him how faithfully she had studied counterpoint and harmony and how wonderful her compositions were. Indeed, they said, the sonatas she had written must be absolutely sublime because they were just like Wagner, without tune or melody, and it was hinted that a long one-act grand opera she had conceived was superb; she had evolved both libretto and score and it was some day to be presented by great singers. And how demure she was, and how daring, and how timid, and how reckless, and how devout! Signore Rubini thought he misunderstood the French in which all these conflicting opinions reached him.

The days wore on, a daily meeting occurring somehow between the interesting young neighbors. Usually Jacqueline would appear on her balcony at dusk with her mandolin and would trill darling little melodies of her own composition. A conversation followed invariably over the hard iron barrier between them, there was a sigh exchanged, a bunch of yellow roses given in tribute for Jacqueline's *aria appassionata*. He seemed to exist within the radius of her window, and always to carry a knot of golden bloom

to be presented to Miss Farston when she favored him with an interview. She wore his yellow roses in her yellow hair and at the bosom of her white organdies, and composed a waltz "To His Roses," which the Chevalier played better than she. Then, perhaps, for several days there would be no sign of her; only a strain of song would reach him through the thick walls, and her canaries would chirrup between the laces at her windows as though to mock him. These cruelties were premeditated and they were long agonies to the Chevalier. But she had been born without a heart, she would tell you with a shrug, and coquetry was really her only amusement.

One afternoon the Chevalier offered himself as a son-in-law to Mr. Farston, who turned the matter over to his daughter, who promptly declined the honor. Why? She could not have told you. Why not? For the same reason. She simply could not contemplate marriage with serenity. The Chevalier wrote her an honorable note of farewell whose tenor so gratified her that she threw a yellow rose in his doorway as she passed on her way to mass. It was their talismanic flower and she knew it would speak of her.

There was another chance meeting on the galleries that evening, and a betrothal. It was all so romantic; the fellow was so handsome, so musical, and his softly spoken Italian endearments were so perfectly new. She besought him to keep the affair secret, beaming upon him in the white glory of the moon as she swore she adored him, and excused her primary rejection on the score of nationality and his alleged heresies.

The summer wore on with varying degrees of happiness for the Chevalier. At times he was ravished with joy, at others in the throes of suspicion, distrust, and fear. It was not merely that her moods were so changeable, that she was so wholly at the mercy of the inspirations and enervations of production that were necessary to her genius, as she would tell him when she grew weary of his complaints. That which plunged the Chevalier into the blackest despair was the fact that his betrothed was one person when they were alone and quite a different one in the presence of other men, perhaps for the reason that she was too sure of him. "When we are on the little galleries alone," he would say, "you are the most

charming creature in the world. But in the world I hate you, I hate you!" And Jacqueline would only smile. It made so little difference to her.

Then she grew tired of her contract, and that same clever man whom she had known so long beginning to understand her, balked; a performance that by no means improved the Chevalier's position, for she threw all her powers into the recapture of the first. This gave her a new interest, and she determined to let Rubini go once for all. She sent for him and told him frankly that she was tired.

He wept, stormed, pleaded. She was inexorable.

"I love you to folly!" he cried. "Have mercy, have mercy! I will revere you like the Madonna! I will worship you above the angels! Miserable that I am, I cannot live without you. Suspicious fool though you know me to be, I will learn to do and to think as you would have me."

But Jacqueline was only bored. Really the conference was too long. She could be assured of monsieur's esteem?

Then the Chevalier folded his arms and looked very terrible. She observed with her morbid appreciation of detail that the very pores of his skin had coarsened.

"You will marry no other. I will see to that!"

She had heard this manner of speech before, often enough.

"I do not intend to marry, really," she answered. "My art, you know—"

The Chevalier seized her wrists and wrung them in rage.

"Listen! You will strive for fame. You will never reach it. I am jealous of that because it is all you love. Ah, what a creation is a human being with a heart!" He flung her away, breathing terribly hard. He walked to the door.

"Hear me," he said. "I shall live as long as I can without you. Then I shall come,—do you understand me?—and I shall take you with me when I quit this earth. Farewell!"

Jacqueline was a trifle alarmed. She was afraid he would kill them both then and there. But he only rushed out into the street like a madman. Next day he left the country.

For a week Jacqueline was unnerved, and at times almost desired his return. Her old zealotry came back to her, however, without the commission of any further folly, and she devoted her-

self to writing a hymn to Love which she meant should immortalize her, and to the conversion of the clever man who had begun to doubt. Soon the cotillons and opera of the advancing season distracted her mind, and as she heard nothing from the Chevalier Cesare Rubini, she gradually ceased to think of him. Besides, the time approached for the presentation of "Thetis," her one-act grand opera which her indulgent father had arranged to produce in the ball-room of their country house in the spring, and the last twinge of remorse was deadened by this new and anxious joy. The orchestral score had been arranged, the musicians engaged, and several of the artists of the city opera company were prepared to assume the *rôles*. Already the advance notices were fulsomely complimentary, and her own small world waited in delighted apprehension of the merit and prestige of the work.

The 5th of May was the date set for the production of the opera. On the evening of the 4th Jacqueline stole out into the moonlit garden, her nerves tingling with half-painful anticipation of the morrow. The last rehearsal was a past reality; in the morning the guests would arrive, and the program for their entertainment was complete. The violins were rehearsing in a wing off the main house, and the first tenor was chanting in the woods in a way that only tenors have. Jacqueline listened a little wearily. For five weeks she had lived in and for her opera, and the lassitude of reaction was heavy upon her. In spite of her weariness, however, she felt strangely wakeful, so she stood out on the terrace until she grew cold, bathed in the white light of the moon, filling her soul with its balm and content. Presently the clever man who knew her best of all followed her there, and looked down at her as though she were a child; a full knowledge of that strange nature had curiously enough restored to her the allegiance that half knowledge had threatened. For in her weakness and childish delusions she appealed more to his manhood than in the days when he had adored her as a girl of his set and only that. Tonight she looked curiously slight and small in her white organdy that showed mist-like in the argent twilight, and she was very pale and dark around the eyes, the shadows of her lashes, no doubt, they were so long. Her tawny hair glinted with a weird iridescence in the moonlight; her bare shoulders and arms looked

frail. She gave evidence of being one who lived essentially on nerves.

"Jacqueline," the man whispered, "it was on a night like this that in passing your town manse I heard the tinkle of a mandolin, the contralto of your speaking tones, and smelt the warm fragrance of yellow roses. One dropped from the paradise above as though it wanted to come to me. See, here it is." He disclosed a few brown leaves in his wallet.

Jacqueline shuddered. "I do not want to see it, Dave. I detect the odor of a dead flower, which means decay. I love to live so, myself, that I cannot look at anything that is done with life."

A firefly throbbed a beam in the dark and grew black again. Goddard replaced the shriveled petals carefully and smiled. "How is your Italian anyway? the last, I mean," he inquired.

"I never hear, but I wish I could see him — once more!"

She nervously pulled at the pomegranate branch that grew from a low tree beneath where they stood.

"Why?"

The old smile of conquest appeared in her eyes. "Well, I don't think I left a good impression. I am going to bed now. Good night, Dave. In another moonrise I shall be recognized — famous, perhaps, *n'est-ce-pas?* This is my last night of obscurity."

He grasped her fragile little hands in his and kissed them tenderly. "Why do you consume yourself for bubbles?" he asked her, with a spirit of anxious love in his voice, as she stood like a white cloud in the marble of the long window. "It is fame, perhaps, but what then?"

A golden circlet of fire burned up in her brown eyes. "It is my life," she whispered passionately, and vanished into the house.

Inside she went straight to her room and began to undress. Once she paused, as she stood brushing out her hair, and pressed her hand to her side, her heart clutched by a spasm that almost suffocated her. In a moment, however, it had passed, and Jacqueline ascribed the pain as due to indigestion. She snuffed out her candles and lay down in the moonlighted bed to sleep.

She dreamed consciously. That is to say, she knew she was sleeping and that her vagaries were unreal. She saw a concourse of great persons assembled to praise her masterpiece. The critics

were assuring her that it was a wonderful beginning, the first fruits of a sublime genius. Jacqueline trembled with a joy that was too strong for her to bear. Her intention grew to abandon the world and the puppets with whom she had so long amused herself, and turn all her powers to the labors for which she had been born. She became hot and cold. Her excessive ecstasy was almost disagreeable.

The applause is deafening. The boom of it goes to her head and gives her dizziness. Ah — who is this? Why, it is Dave Goddard — a bouquet — yellow roses, yellow roses, yellow roses — where had she seen roses just like them before? Well, no matter. Thetis is singing the grand aria to the accompaniment of musical fountains that had been her greatest effort. The harmonies lose themselves in the fury of an electrical storm, and the bassoons and oboes throb and moan to a pitch that is almost an agony. Then the voice — what a voice, to be sure! — it rises like liquid pearl above the abating dissonances, and the violins soar back to the wild melody led on by the diva's triumphant notes, and it is all hers! her own! Ah! here is Dave again. He places his hand upon his breast pocket, without answering, and then stretches it toward her with something dark in the palm. Is it the withered rose? No; it is a clot of blood!

She recoils and turns from the darkness to the moonlight, but something screens her from the pure ray. It is the shadow of a form.

"Come," it speaks. "I am quitting the earth, and I am here to fulfil my vow."

His hand held her heart fast. He gripped it with all his strength. She turned again, away from the moon, and the awful spasm passed. The vapory figure moved to the other side of the bed, following her; it seemed a shade less dark than the room.

"Come," said the voice again. "You were my death; if I am yours there will be no blame. Come."

"Let me see your face," she thought. He understood without her speaking. He turned toward the moon. "Yes," her mind answered, "you are Cesare." He neared his shadow and she tried to turn again. An old expedient occurred to her. "Do you love me still, Cesare?"

"It matters not," said the voice. "Come."

He laid his hand on her heart again; the touch was cool enough to refresh. His fingers folded about it, close and closer. She writhed away from him, but he held her back by the heart all the while — and then there was peace.

. . . . . .

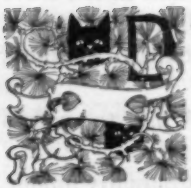
At ten o'clock Jacqueline had not arisen; in an hour the guests would arrive. Miss Pauline read her newspaper and called Dave Goddard to surprise him with the facts of a published cablegram. "Is he Jacqueline's Italian?" inquired Mr. Goddard casually. "It is too bad."

Miss Pauline mounted to her niece's room. A pity to awaken her, but the suburban train was rarely overdue.

"My love," she whispered, her voice growing gradually louder, "every one will be coming before our precious genius is awake. Will you get up now, little one? Come, dear — why! the child is like ice! Jacqueline! Open your eyes — look at me, darling! — My God, you have taken her! Dead! Dead!"

The Crowning Moment.

BY MAY McHENRY.



DANIEL ARMENT had never had a very easy time of it in his thirty-seven years of knocking about the world; but his was that philosophy of which a diluted flavor filters through to the submerged nineteen twentieths in such classics as "Every dog has his day," and "It's a long lane that has no turn." Arment never lost his faith in ultimate possibilities. He expected to have his share of this world's offerings of bliss as well as of woe, and he kept himself in training to meet either exigency.

When the good fortune began to materialize down in the Argentine Republic, and he saw that he would be able to lift the mortgage a father's folly had placed on a son's career, and still have something left over for the foundation of a future for himself and another, Daniel Arment knew what came next. Five minutes after the completion of the deal in hides he was writing to Ernestine Wilson, of East Aurora, New York.

Another man might have waited to see the girl again after three years, to test, to make sure. But to wait was not Daniel Arment's nature. He would have telegraphed his proposal had it been possible to do so.

He laughed a little himself at the fervor of his love letter. "But the best of it is, I mean every word of it, and infinitely more," he added across the top of the sheet.

And then when the answer came, the whimsical, indirect answer that told him so plainly all he wanted to know, he laughed again. Being alone with the blinds down, he raised the dainty sheet and kissed it warmly. "You damn fool, you have it bad," he grinned, as he caught himself in this act of fatuous tenderness in the sage-green looking glass. Below the surface froth he was

humbly and devoutly thankful that such capacity to "have it bad" survived in him.

The man who had borne the unmitigated bad luck of many years with stoical serenity followed an epicurean instinct in making the most of his happiness.

When he started for New York on the steamship *Havana*, he took to himself the flattering unction that there was not another man on board the vessel to whom life meant as much as it meant to him. Why, it was marvelous with what richness and fulness of promise existence was opening up for him — what joy, what high thoughts, what noble purposes! He seemed lifted to a higher spiritual plane simply because there had been a rise in leather and a girl promised to be kind.

"I tell you, it is a great thing to fall in love with the right kind of a woman the right kind of a way," he confided to his friend, the *Havana's* captain, as they paced the deck under the stars of the southern sky.

All the long, languorous days, not to mention the greater part of the wondrously beautiful nights of the tropical seas, were appropriately employed by the happy lover in thinking of Her — the marvelous violet of her eyes under their enticing dark lashes, the curve of her cheek, the irresistible hollow made for kisses at the base of her sound, white throat, the grace and charm and the subtle, maddening sweetness of her.

Like rainbow-hued humming-birds over honeysuckle blossoms, his thoughts kept darting and hovering in anticipation of that moment when she and he — all the rest of the world blotted out — should stand together in the little parlor at East Aurora.

That would be the crowning moment — when he should hold all his happiness and his hopes embodied in just *her* close, close in his arms! More than once, as he leaned against the steamer's rail in the passionately pulsating darkness, his arms stretched out to grasp the mocking night breeze.

On such occasions he would catch himself up, turn on his heel with a soft oath, and charge swiftly for the smoking room. There he would demonstrate his sanity to his own satisfaction by winning neat little piles of gold from the poker-playing coffee merchant from Rio Janeiro. In case the poker should not be sufficient

check on the spirit of poetry within him, he would follow it up by an aridly recondite scientific discussion with the fossiliferous Harvard professor.

The fifth night out they were somewhere in the latitude of the Bahamas. That night the aridly recondite discussion was especially engrossing. Long after midnight in the deserted saloon the man of learning was discoursing upon the Silurian Age, and the absent-eyed Arment was pretending to listen when the shock came — the crashing, ripping shock, followed by a reeling shiver from stem to stern of the big steamer.

On deck they found the vessel enveloped in a dense, white fog like a winding sheet. For an instant a huge, dark hull appeared beside the *Havana*, then was swallowed in the fog, while a wail of awful despair floated back. Arment realized that there had been a collision and that two vessels were likely to go to the bottom before daybreak.

There was none of the confusion, the shrieks, and shouts, and ravings we read of in descriptions of ships sinking in mid-ocean. There was the sharp, quick command, "Clear the lifeboats," the creaking of rope, the shuffling of men's feet; but with the stopping of the machinery a sinister silence seemed to hang over the doomed steamer.

The *Havana* listed helplessly to starboard and settled rapidly. In the spectral, gray light the dazed and terror-stricken passengers huddled in speechless groups about the companionways.

It was like an evil dream, and Arment went about like a man in a dream, lending a hand at the ropes, helping women with little children. Through it all he was thinking of Ernestine; how she would cling to him, how her sweet face would quiver, and her eyes widen and darken when he should tell of the peril, of the solemn and awful moment when a ship went down in the fog.

When the time came he took his place in the boat. It was the last boat, and it was crowded to the utmost capacity. The officers of the *Havana* had done what they could. They had filled the other boats with women and passengers, now it was for a man to save himself if he could.

They were ready to cast off when Arment, glancing back, saw a woman standing near him at the steamer's rail, her white, dazed

face turned upward in prayer. The deck of the *Havana* was almost on a level with the water by that time, and the higher waves were dashing across it.

To step back from the boat to the wave-washed deck was but the work of an instant. Daniel Arment swung the woman over the taffrail and placed her gently on the seat he had left. Then he swiftly cast off the overladen boat, and stood watching the gray gulf widen between him and it.

Safe outside the maelstrom created by the sinking steamer, the party in the boat paused and looked back. Where the *Havana* had been was nothing but white fog settling over the water like a pall.